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#3

Jason D. Shanske
Bruce E. Kamerer

Roy J. Coleman *
* Legal Intern

August 28, 2000

Box Missing Parts
Assistant Commissioner of Patents
Washington, DC 20231

SUBJECT: Applicant: Negus et al.
 Serial No: 09/493,423
 Filed: January 29, 2000
 For: PERCUTANEOUS MYOCARDIAL
 REVASCULARIZATION MARKING AND
 THERAPEUTIC OR DIAGNOSTIC AGENT
 DELIVERY SYSTEM
 Group: 3739
 Docket No: LE-199J

Dear Sir:

In response to the NOTICE TO FILE MISSING PARTS OF APPLICATION – FILING DATE GRANTED mailed March 27, 2000 (copy enclosed), enclosed are two (2) Combined Declarations and Powers of Attorney for the subject application. Also enclosed is a check in the amount of \$130.00 for the surcharge under 37 CFR 1.16(e), an Extension of Time Within the Third Month along with a check in the amount of \$870.00, and a Request for a Corrected Filing Receipt with attachments.

If for any reason this REQUEST is found to be INCOMPLETE, or if at any time it appears that a TELEPHONE CONFERENCE with counsel would help advance prosecution, please telephone the undersigned or his associates, collect in Waltham, Massachusetts (781) 890-5678.

If any payment during prosecution is found to be incorrect, please charge any deficiency or credit any overpayment to my Deposit Account No. 09-0002. A copy of this letter is enclosed for use by the Finance Branch in the event that it is necessary to make any charge or credit to my deposit account.

Kindly acknowledge receipt of the foregoing by returning the enclosed self-addressed postcard.

Sincerely,

Jason D. Shanske
Reg. No. 43,915

JDS:lr
Enclosures



FORMALITIES LETTER



OC00000005011688

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
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09/493,423

01/29/2000

Charles Christopher Negus

LE-199J

Kirk Teska
Iandiorio & Teska
260 Bear Hill Road
Waltham, MA 02451-1018



Date Mailed: 03/27/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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FILING RECEIPT

OC00000005011687*

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: ASSISTANT SECRETARY AND
COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/493,423	01/29/2000	3739	690	LE-199J	2	3	2

Kirk Teska
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Date Mailed: 03/27/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Charles Christopher Negus, Taunton, MA ;
Stephen J. Linhares, Taunton, MA ;
Robert I. Rudko, Holliston, MA ;
Eileen A. Woodruff, Millis, MA ;
Robert R. Andrews, Norfolk, MA ;

Continuing Data as Claimed by Applicant

THIS APPLICATION IS A CIP OF 08/731,862 10/21/1996 APP 3/2000 PAT 6,030,377

Foreign Applications

If Required, Foreign Filing License Granted 03/27/2000

Title

Percutaneous myocardial revascularization marking and therapeutic or diagnostic agent delivery system

Preliminary Class

606

Applicant:

Negus et al.

For:

Percutaneous Myocardial Revascularization Marking and
Therapeutic or Diagnostic Agent Delivery System



RELATED APPLICATION

This application is a continuation-in-part application of U.S. Serial No. 08/731,862 filed October 21, 1996, entitled "Percutaneous Transmyocardial Revascularization Marking System", by Linhares et al.

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FIELD OF THE INVENTION

This invention relates to a percutaneous channel marking and drug delivery system and method.

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BACKGROUND OF THE INVENTION

Myocardial revascularization is presently accomplished using a laser to create channels in the wall of the left ventricle of the heart to perfuse the ischemic myocardium, thereby supplying blood and oxygen directly to the heart muscle, instead of installing one or more bypasses or using angioplasty to overcome blocked arteries and reinstate adequate blood flow. In the transmyocardial approach, a CO₂ laser is used to create channels from the outside of the heart wall to the inside. The channels heal rapidly on the outside, from digital pressure applied to the outside surfaces, leaving blind channels extending from the inside part way through the heart wall. During surgery, the surgeon can see each channel and carefully choose subsequent channel sites with correct spacing between them and avoid



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Negus et al. Paper No:
Serial No: 09/493,423 Group: 3739 *HS*
Filed: January 29, 2000 Examiner:
For: PERCUTANEOUS MYOCARDIAL Docket No: LE-199J
REVASCULARIZATION MARKING
AND THERAPEUTIC OR DIAGNOSTIC
AGENT DELIVERY SYSTEM

Box Missing Parts
Assistant Commissioner of Patents
Washington, DC 20231

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Box Missing Parts, Assistant Commissioner of Patents, Washington, DC 20231, on Aug. 28, 2000



Leslie Ramos

REQUEST FOR A CORRECTED FILING RECEIPT

In the United States Patent Application No. 09/493,423 of Negus et al., please note that the filing receipt issued (copy enclosed) has omitted the continuing data as claimed by the applicant.

The subject application is a continuation-in-part of U.S. Serial No. 08/731,862 filed on October 21, 1996 and is indicated as such on page 2 of the specification (copy enclosed). Please make the above-specified correction and issue a corrected filing receipt. Thank you for your cooperation.

Respectfully submitted,



Jason D. Shanske
Reg. No. 43,915